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FM AMEMBASSY OTTAWA
TO RUEHC/SECSTATE WASHDC PRIORITY 9824
INFO RUCNCAN/ALL CANADIAN POSTS COLLECTIVE PRIORITY

UNCLAS SECTION 01 OF 02 OTTAWA 000698

SENSITIVE
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STATE FOR DRL/AWH

E.O. 12958: N/A
TAGS: [PHUM](#) [PGOV](#) [KOLY](#) [CA](#)
SUBJECT: SLOWER, LOWER, WEAKER: NGOS PROTEST FREE SPEECH
LIMITS DURING OLYMPICS

REF: OTTAWA 696

¶1. (SBU) Summary: The British Columbia Civil Liberties Association (BCCLA) is protesting new Vancouver city bylaws that allow "draconian curtailment of free expression" during the 2010 Winter Olympics. BCCLA argues the new laws are "ripe for constitutional challenge." Local media has given wide coverage to the new bylaws, and activists have joined the BCCLA in condemning the restrictions the city will enforce during the Games, including bans on leaflet distribution and posters in Olympic venues and the creation of "protest zones." The BCCLA has increased its legal staff and legal actions in recent months, possibly in preparation for high profile challenges to the bylaws. End summary.

¶2. (SBU) In an August 31 meeting, BCCLA Executive Director David Eby and Policy Director Michael Vonn told poloff that it was "unconscionable" that the Vancouver City Council had "rushed through" new bylaws "dramatically" restricting free speech during the February 2010 Winter Olympic Games in Vancouver and Whistler, British Columbia. BCCLA's greatest concern is the expansion of the definition of Olympic venues to include major access routes and lines of sight, and -- for the first time -- the torch relay route. The new laws ban non-sponsor advertising including sandwich boards, handbills, printed matter, brochures, and leaflets in Olympic sites and require that any other signs be "celebratory" in nature.

¶3. (SBU) Both IOC and city officials caution that the regulations are temporary and required to protect sponsors of the Games. While the IOC-Vancouver contract does not include specific mention of "protest zones," the IOC Olympic Charter prohibits any "demonstration or political, religious, or racial propaganda in any Olympic sites, venues, or other areas." The Vancouver Integrated Security Unit (VISU) responsible for security during the Games has not released information on the number or location of protest zones but has promised publicly that they will be in "high profile" areas. Eby questioned the legality of the VISU to create "securitized zones" noting that the provincial legislature has not granted the police specific authorization to create protest areas or restrict access to public areas. He added that such powers do not reside in the domain of the common law. No Canadian federal or provincial legislature has ever conferred such "public order" powers on the police force, according to Eby.

¶4. (SBU) In addition to free speech issues, the BCCLA is monitoring possible violations of the right to privacy from the use of at least 900 surveillance cameras in public areas during the Games. Vonn predicted city officials were "lying" when they said the cameras would be removed after the Games. She noted the city has leased the cameras and has the right to buy them afterward for a nominal amount. She argued that the city has invested in the construction of a central monitoring office for closed circuit televisions and is unlikely to abandon that investment after the Games. Vonn

estimated that at least 2,000 cameras would be in use during the Games. The BCCLA is also protesting that the city government is bound by contract to "discrimination against women" in the Olympics with the lack of a women's ski jumping event but has no plans to intervene at this time.

15. (SBU) Siding with the BCCLA, community Olympics watchdog group the Impact on Community Coalition (IOCC) has filed a complaint with the United Nations Human Rights Council alleging that the Games threaten free speech and could spur mass evictions. The group has asked the UN to send a human rights observer to Vancouver, but group organizers acknowledge the UN will only hear their complaint next spring, well after the conclusion of the Games. The IOCC has said that it is concerned that landlords will evict tenants to offer their properties to visitors. They also charge that Vancouver police have increased the number of tickets for minor infractions, such as jaywalking, as a precursor to jailing those who do not pay their fines.

16. (SBU) In a separate meeting, Jessica Connell, Legal Counsel for the BC Human Rights Tribunal told poloff that the Tribunal had not received any human rights complaints related to the Olympics or the new bylaws. Additionally, Connell added that the Tribunal is not anticipating a major increase in complaints following the Olympics although they are prepared if necessary.

17. (SBU) The BCCLA has publicly stated that the Vancouver bylaws violate the Canadian Charter of Human Rights, but neither Eby nor Vonn divulged any current plans to challenge the laws in court. The BCCLA is a non-profit, membership and

OTTAWA 00000698 002 OF 002

grant-supported private organization that relies on pro bono legal services. Its lawsuits are not currently focused on the Olympics, however, the BCCLA has significantly expanded its litigation programs in 2008 and 2009 and increased its legal staff.

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